

REMARKS

Applicants respectfully traverse and request reconsideration.

Applicants wish to thank the Examiner for the notice that claims 5-8 and 14-24 are allowed.

Remaining claims 1-4 and 9-13 stand rejected under §103(a) as being unpatentable over Momose Yasuhior (JP 11-046377A) in view of Bleile (U.S. Patent No. 7,162,228). As best understood from the computer based translation, the Yasuhior disclosure is directed to a completely different system from that claimed. The Yasuhior reference is directed to a device, such as a wristwatch, that employs user input interfaces that may provide a notice schedule or action schedule to an arithmetic unit which then generates the appropriate notifications to a user via flashing LEDs, speakers, or vibrations. (See paragraph 16). As such, the wristwatch or device described in this reference has differing notifications that are controlled by the user of the device and stored in the device. Applicants claim a different apparatus and method. For example, as to claims 1 and 9, the claims are directed to an apparatus and method for sender controllable modalities. The office action alleges that Yasuhior describes an apparatus for sender controllable modalities and cites to the notification controller that decides the modality of notification output based on the priority of a notification factor. (Citing paragraph 16). However, as Applicants claim, the sender controllable modalities allow, for example, a sender to control the user's device. Among other advantages, for example, if a user were to set a particular modality for an incoming call, a sender such as the user's boss (e.g., boss' device) can send a priority message to the receiving device to instead control the user's device. As such, a sender device controls the operation of a user's device using priority commands that include a modality alert command. Yasuhior teaches an opposite approach to that claimed.

For example, Yasuhior merely teaches a wristwatch or other device that a user controls to have different notification operations depending upon the contents of a configuration file. As such,

the cited reference does not teach what is alleged and is different from that claimed. Accordingly, Applicants respectfully submit that these claims are in condition for allowance.

Although the claims are in condition for allowance based on the above remarks, Applicants also note that the office action admits that the Yasuhior reference does not disclose much of the claimed invention including the communication command generator that generates the communication command or a transmitter that is coupled to a priority command generator and a communication command generator such that the priority command and the communication command are transmitted to a recipient device. The Bleile reference has allegedly been cited as teaching this subject matter. For example, it is alleged that Bleile teaches “a transmitter operably coupled to the priority command generator and the communication command generator such that the priority command and the communication command are transmitted (see Bleile e.g. column 3, lines 37-45)” (page 3 of office action). However, Applicants respectfully submit that the reference does not teach what is alleged. For example, the cited portion merely describes a message signal that has an address portion that does not meet the condition and has a payload portion representing a command to cause the wireless communication appliance to transmit a home signal to indicate that the wireless communication appliance is engaged with the receptacle. There is no discussion of any priority command generator, or combination of priority command generator and communication command generator as alleged in the office action. As such, Applicants respectfully submit that the claims are also in condition for allowance for at least this reason as well.

The dependent claims add additional novel and non-obvious subject matter.

New claim 25 claims that the modality alert command adjusts the modality of a notification system within a receiving device. Again, Applicants respectfully submit that the claim is in condition as depending upon an allowable base claim and for claiming additional novel and non-obvious subject matter as it does not appear that the cited references teach this subject matter either.

Accordingly, Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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